IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 295 of 1986

with

CIVIL APPLICATION No 99 of 1988

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

STATE OF GUJARAT

Versus

SHATRUSHLYASINHJI D JADEJA

Appearance:

1. Appeal from Order No. 295 of 1986

MR MUKESH PATEL A.G.P. for Appellant No.

MR SHANTILAL S SHAH for Respondent No. 1

RULE SERVED for Respondent No. 2

2. Civil Application No. 99 of 1988

MR MUKESH PATEL A.G.P. for Appellant No.

MR SHANTILAL S SHAH for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 10/01/2005

ORAL JUDGEMENT

1. The appellant has by way of this Appeal from Order challenged the order dated 3rd May, 1986 below Exh. 6 passed by the Civil Judge (S.D.) Jamnagar in Civil Suit No. 109/98, whereby the Trial Court has passed the following order :-

> "The present ad-interim injunction application is allowed. The order of status-quo passed on 17-7-84 is made absolute till disposal of this Suit. The defendants nos. 1 and 2, their servants and agents are restrained from taking any action regarding the acquisition proceedings under the impugned notification as also the notice till the final disposal of the suit. This order shall remain in force till disposal of this suit. The defendants shall bear their own costs, if any, shall also pay the costs to the plaintiff."

2. Mr. Patel learned A.G.P. appearing for the appellant has submitted that the Trial Court has no jurisdiction to entertain the Suit in view of the law laid down by the Apex Court.

3. I have heard the learned advocates for the respective parties and have perused the relevant record. While admitting the Appeal, this Court had granted ad-interim relief in terms of para 8 (B), whereby the order passed by the Trial Court was stayed. Moreover, this Court had also directed to proceed with the suit as expeditiously as possible. Thus the said order is not in operation for almost 15 years, and, therefore, the same cannot be restored at this stage and the same is required to be quashed and set aside.

4. In the premises aforesaid, the Appeal from Order is allowed. The order dated 3rd May, 1986 below Exh. 6 passed by the Civil Judge (S.D.) Jamnagar in Civil Suit No. 109/98 is quashed and set aside. The Trial Court is directed to expedite the Suit, if it is not disposed of and shall disposed of the same within a period of six months from the date of receipt of the writ of this Court.

5. Writ to be sent to the trial court forthwith.

CIVIL APPLICATION No. 99 of 1988

In view of the order passed in the Appeal from Order, no orders on this Civil Application. The Civil Application stands disposed of accordingly.

[K.S. JHAVERI, J.]

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